

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ANGEL ARROYO BARRETO,

Plaintiff,

v.

Civil Action No. 3:23CV430

CAPTAIN TOWNSEND,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on July 18, 2023, the Court conditionally docketed Plaintiff's civil action. At that time, the Court directed Plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

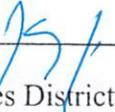
See 28 U.S.C. § 1915(a)(1). The Court provided Plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

On July 27, 2023, the Court received a notice of change of address for Plaintiff. The Court remailed the July 18, 2023 Memorandum Order and forms to Plaintiff on August 1, 2023. More than thirty (30) days have elapsed and Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 26 September 2023
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
Senior United States District Judge